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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,307	12/29/2000	Jerry Dwight Doty II	2705-101	7831

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EXAMINER	
LE, KAREN L	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/753,307	DOTY ET AL.	
	Examiner	Art Unit	
	Karen L. Le	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9, 10 are non-statutory. As set forth in page 52 of the Interim Guidelines, "Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer." In order to overcome this rejection, it is suggested the term "having" be change to –embodied--.

3. Applicant's amendment filed on June 27, 2006 has been entered. Claims 1, 12 and 14 have been amended. No claims have been cancelled. No claims have been added. Claims 1-19 are still pending in this application, with claims 1, 9 and 14 being independent. This action is non-final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al. (U. S. 6,205,557)

Regarding claims 1 and 9, Chong teaches a method and a computer-readable medium for switching active calls between entities (fig.3, server 140 and server 141 of database 103) on a network device (Fig. 2, item 103), the method comprising:

determining that a first processor requires maintenance (Col. 3, lines 11-14), collecting information about a current call on the first processor while the current call is being processed by a first entity (Fig. 3, server 140 and col. 5, lines 7-16), initializing a second processor (Fig. 3, server 141) residing in the network device with the first processor (Col. 5, lines 22-23) with the information while the current call is being processed on the first processor, switching the current call from the first processor to the second processor; releasing the first processor from further processing of the call, and repeating the switching of call from the first processor until the first processor is free for maintenance (Col. 5, lines 18-19 and lines).

Chong does not teach determining that a first processor requires maintenance. However, Chong teaches determining that a first processor is failed (Col. 3,lines 11-14). The main purpose is the method of detection of a processor that needs to be maintenance or repair. It is more on the method of detection than the maintenance or repair. Thus, It is obvious to one of skill in the art at the time of invention was made to use the chong's detection method to detect a processor that need to be fixed or

maintenance. The detection method is well known and popular in telecommunication. When the detection method is applied earlier (apply before the processor is failed) then all calls that are transferred will also included all active calls at the time the second server is being initialized. If the detection method is applied earlier then the first processor would not be failed after transfer all calls to second processor then it would be obvious to one of the skill in the art at the time of the invention was made to release the processor and repeat the switching of calls from the first processor until the first processor is free for maintenance. It is so simple to understand that it is depend on when detection method is applied (before or after the processor is failed) to provide the maintenance or repairing.

Regarding claims 2-4 and 15-18, Chong teaches the processors are digital signal processors located within the same module, the processors are located in different modules located on the same card, and the processors are located on different cards in the network device (Fig.2, DB 103; Fig. 3, server 140 and 141; Fig. 4, processors 170 of 140 and 141).

Regarding claim 6, Chong further teaches initializing a second processor further comprises initiating a retrain sequence on the second entity (Col. 5, lines 22-30).

Regarding claim 7, Chong further teaches the information about a current call includes modulation (Col. 2, lines 43-44)

Regarding claims 10 and 11, Chong further teaches the computer-readable medium comprises a downloadable file and image file uploadable into digital signal processor (Col. 6, lines 56-67).

Regarding claims 12 and 14, Chong further teaches a network device, comprising:

at least two means for handling active calls residing in the network device (fig.3, item server 140 and server 141 of database 103 and Fig. 1, switching network 100),

a means for connecting the means for handling active calls with means for transmitting phone calls (col. 5, lines 16-19);

a means for determining that a first processing mean requires maintenance (Col. 5, lines 20-23) and

a means for switching active calls from a first processing means for handling active calls to another processing means for handling active calls without interruption, thereby eliminating any active calls on the first means for handling active calls and freeing the first processing means for maintenance (Col. 5, Lines 23-32 and Col. 1, Lines 5-10).

Regarding claim 13, Chong further teaches the device of claim 10 wherein the controller is part of a processor located on one of the entities (Fig. 2, item 103).

Regarding claim 19, Chong further teaches the means for switching active calls further comprises a controller (Fig. 2, item 103).

Regarding claims 5 and 8, Chong does not teach the steps of copying compression dictionary tables from the first entity and loading compression tables in the second entity. However, to achieve a high data rate data compression has always been introduced. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress and decompress data while transmission to have larger volume of data. Chong does not teach the information about a current call includes country code. However, each country uses different carriers, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include type of country code to verify what type of carrier that country uses. The compression, decompression and including type of country code are old and well know in telecommunication system.

Response to Arguments

1. Applicant's arguments filed on June 27, 2006 have been fully considered but they are not persuasive.

2. As to Applicant's Remarks, Applicant mainly argues that Chong does not teach determining that a first processor requires maintenance. Applicant also argues that

DB103 is not a single network device. Examiner respectfully disagrees for the following reasons:

Chong does not teach determining that a first processor requires maintenance. However, Chong teaches determining that a first processor is failed (Col. 3,lines 11-14). The main purpose is the method of detection of a processor that needs to be maintenance or repair. It is more on the method of detection than the maintenance or repair. Thus, It is obvious to one of skill in the art at the time of invention was made to use the chong's detection method to detect a processor that need to be fixed or maintenance. The detection method is well known and popular in telecommunication. When the detection method is applied earlier (apply before the processor is failed) then all calls that are transferred will also include all active calls at the time the second server is being initialized. If the detection method is applied earlier then the first processor would not be failed after transfer all calls to second processor then it would be obvious to one of the skill in the art at the time of the invention was made to release the processor and repeat the switching of calls from the first processor until the first processor is free for maintenance. It is so simple to understand that it is depend on when detection method is applied (before or after the processor is failed) to provide the maintenance or repairing.

Applicant also argues that DB103 is not a single network device. However, DB103 can be a single network device (Col. 2, lines 36) or can be a distributed database network. A database is created to accommodate the need of the network. Thus, it will be create according to the need of the technology.

For the above reasons, Chong is maintained for supporting the enclosed Examiner's non-final office action.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WING CHAN
SUPERVISORY PATENT EXAMINER

Karen Le
KLL